

Government of the District of Columbia
Advisory Neighborhood Commission 4A



October 14, 2015

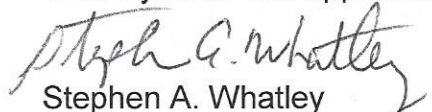
Mr. Anthony Hood
Chairman
DC Zoning Commission
441 4th Street NW Suite 200S
Washington, DC 20001

Dear Mr. Hood,

Advisory Neighborhood Commission 4A (ANC 4A) thanks you for the extension to submit comments on the proposed Zoning Regulations Review to October 16th. ANC 4A will voted on this matter on October 6, 2015 at its regularly scheduled meeting. Attached is the Resolution as well as an Addendum for ZRR consideration.

If you have any questions you can contact me at 202-720-4590 or stephen.whatley48@gmail.com.

Thank you for this opportunity,


Stephen A. Whatley
Chair
ANC 4A



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Advisory Neighborhood Commission 4A
7820 Eastern Avenue, NW, Washington, D.C. 20012
October 6, 2015

**RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 4A IN OPPOSITION TO, AND
COMMENTS ON, THE ZONING COMMISSION ZC CASE NO. 08-06A AND B ZONING
REGULATIONS REVIEW.**

WHEREAS, pursuant to applicable District laws, each Advisory Neighborhood Commission ("Commission") may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government with respect to all proposed matters of District and federal government policy.

WHEREAS, the Advisory Neighborhood Commissions (ANCs) are the body of government with the closest ties to the people, and are expected to advise the government on issues, including, but not limited to, decisions regarding zoning, planning, transportation, infrastructure, recreation, education, health, safety, budget and sanitation which affect that Commission area. See D.C. Official Code Section 1.309.10(a);

WHEREAS, the ANC Commissioner for single-member district 4A08 received notice by letter dated August 18, 2015 of the revised proposed rulemaking of the Zoning Regulations Review (ZZR) and was provided a hard-copy of the 990 page document;

WHEREAS, the ANC 4A was not able to address this matter at its September 1, 2015 meeting and scheduled it for its October 6, 2015 meeting;

WHEREAS, the ANC 4A requested, and was given permission, to submit comments following its October 6, 2015 meeting;

WHEREAS, the Office of Zoning has proposed text amendments that will change the definition of density, private property use, property owners rights, and rights of historic sites; as is more fully delineated in the attached addendum;

WHEREAS, the proposal would allow by right 175 new residential uses and permit commercial areas in zones that currently zoned single-use residential, change the measurements for lot size and apportionment, permit uses for the alleys and other public space, and diminish our homeowner rights and expectations that the neighborhoods would be able to retain the current density, lot size, height limits and set-asides that currently protect all of us;

WHEREAS, ANC 4A consists of single-unit dwellings and established neighborhoods with large lots, that could be negatively impacted by some of the proposals and negatively impact our quality of life and home values;

WHEREAS, ANC 4A includes the neighborhoods in Ward 4 (Colonial Village, Crestwood, 16th Street Heights, Brightwood, North Portal Estates and Shepherd Park) that would be most negatively impacted by this proposal, if enacted, as is.

WHEREAS, the proposed changes to density and uses are inconsistent with the mandate of the City's Comprehensive Plan that requires the city to conserve the low-density neighborhoods. See Rock Creek East section, RCE- 1.1.1). Rather than ensuring land-use compatibility, this proposal would encourage land use conflicts. The

Comprehensive Plan includes a future land use map and defines how areas are to be used. This proposal would be in conflict with those uses because it changes a residential areas to other mixed-uses.

WHEREAS, the Commissioner for ANC 4A08 requested that this matter be scheduled for presentation to the ANC 4A at the ANC's regularly scheduled meeting to permit the ANC with an opportunity for comment;

WHEREAS, for the reasons set forth in the attached ADDENDUM and which are incorporated by reference and attached to this resolution;

THEREFORE, the ANC 4A RESOLVES, after consideration of the ZZR proposal at a duly noticed, regularly scheduled ANC 4A public meeting, the ANC 4A voted to oppose the ZZR proposal and submit these comments for the Office of Zoning and Mayor's consideration.

Signed



Stephen A. Whatley, Chair
ANC 4A

After considering the ZZR presentation at the meeting and community concerns, and with a quorum present and a majority of the Commissioners voting to support, that the ANC 4A supports the submission of this resolution in opposition to the ZRR proposal and the submission of attached comments for consideration.

The ANC 4A voted _____ 6 _____ in favor to _____ 1 _____ Opposed, with _____ 0 _____ abstaining, in support of this resolution.

CC:

The Honorable Muriel Bowser, Mayor
The Honorable Brandon Todd, Ward 4 Councilmember
The Honorable Anita Bonds, At-Large Councilmember, DC Council
The Honorable David Catania, At-Large Councilmember, DC Council
The Honorable David Grosso, At-Large Councilmember, DC Council
The Honorable Vincent Orange, At-Large Councilmember, DC Council

Gottlieb Simon, Office of Advisory Neighborhood Commissions

Board of Zoning Adjustment, 441 4th Street, NW, Ste 200-S, Washington, DC 20001

ADDENDUM FOR ADVISORY NEIGHBORHOOD COMMISSION (ANC) 4A ZRR RESOLUTION

October 6, 2015

First, ANC 4A appreciates all of the work by the Office of Zoning and the opportunity to offer these comments and observations on the most recent proposal. ANC 4A recognizes that the Zoning Regulations Review (ZRR) began in 2007. Much work has been done to bring the project to its current proposed text. It is not our intention to stop the process. Instead, ANC 4A hopes to inform the process with the aim of the protection of the public interest, as a whole, as well as within ANC 4A.

The neighborhoods covered by ANC 4A include: Brightwood, Colonial Village, Crestwood, North Portal Estates, 16th Street Heights and Shepherd Park. ANC 4A has a high percentage of seniors (those over 65) and a growing number of children (residents under age 18). Thirteen percent of the city's one-unit detached homes (accounting for 23% of the city's total) are in this planning area. Twenty-six percent of the one-unit detached homes are in ANC 4A and Ward 4.

The city's Comprehensive Plan for the National Capital Area District Element, Chapter 22-8 stated that the Land Use Planning for the Ward 4 area "should protect and enhance the stable neighborhoods for which this area is known." Over the years, ANC 4A have expressed our concerns about having more than our share of group homes and other new non-conforming (non-residential) uses. The Comprehensive Plan also had a future land use map. The latest reiteration of the ZRR proposal does not do enough to adhere to the premise that the area (4A ANC area) should remain low density, residential and preserve the quality of life of its established residential neighborhoods.

ANC 4A seeks to preserve the quality of life, tranquility and stability of the low density green space within the ANC 4A area. To that end, ANC 4A oppose changes to the land uses, height restrictions, setbacks, occupancy and parking requirements pertinent to ANC 4A.

ANC 4A offers the following observations and comments. For the convenience of the reader, our comments follow the order set forth in the Zoning Regulations Review (ZRR) proposal, by subtitle.

SUBTITLE D – RESIDENTIAL HOUSE

Subtitle D provides the height, lot occupancy, setback, accessory standards for low to moderate density land use. Some of our comments are geared to this subtitle and the many exceptions that would be permitted under these new regulations. ANC 4A believes that the changes are inconsistent with the Comprehensive Plan as it pertains to the 4A area.

There are 3 new zone categories (Section 100.2): a) residential, b) Mixed-Use and c) Production and Repair (PDR). ANC 4A proposes to delete Production and Repair as a possible use category.

200.3 In the R zones, non-residential business uses may be permitted as a home occupation, subject to the conditions and regulations of a home occupation as defined in **Subtitle U, Section 251. This should be deleted.**

Plus, this ZRR proposal has many new Matter of Right Uses in what was previously a single-use, residential zone. This means that, instead of your neighbors next door, a homeowner may find him or herself living next to an institution. A few of the 175 examples include:

203.1(b) would permit chancery use not meeting the current conditions of matter of right use; subject only the disapproval by the Board of Zoning Adjustment, pursuant to Subtitle X;

203.1(f) allows for "Community-based institutional facilities with 15 persons, not including resident supervisors or staff and their families. ANC 4A opposes this type of facility. In addition, ANC 4A recommends adding that in the R zones, there should be no other lot containing institutional uses within a half mile.

203.1(k) Health care facility – This would permit a facility for up to 300 persons (U-9); and

203.1(p) Non-profit, if listed on the Inventory of Historic sites (U-12). This could have a detrimental impact on places of worship, because it would open these historic sites to non-conforming uses.

202.1(i) Emergency shelter of not more than four persons, not including residential supervisors or staff and their families;

201(j) Government, local uses;

202.1(q) Fairs, circuses and carnivals; ANC 4A opposes this use in residential neighborhoods.

250.1(a) ACCESSORY USES (Home Occupations) would be permitted, as a matter of right, in R zones. R zones are currently non-commercial residential zones. This ZRR would allow, as an example, "two boarders within the principal dwelling." It is unclear whether this changes the single residential units to commercial entities. **ANC 4A does not want boarding houses.**

250.1(j) Lodging. This would similarly allow rented rooms. U-17.

More than 175 types of businesses could be allowed as home-based occupations, if these proposed regulations are adopted.

250.1(n) This section says that "a home occupation may be permitted in an accessory apartment subject to the limitation that **there shall be no more than six (6) visitors or clients per day.** U-18.

251.4 **This would permit a sign** on a dwelling or building in which a home occupation is practiced. The sign could be up to 144 square inches. ANC 4A opposes any neon signs or signs larger than 8 inches by 8 inches.

251.6 This would allow a home occupation that is not currently permitted by right, if permitted as a special exception by the Board of Zoning Adjustment under Subtitle X.

253.5 This would require that either the principal dwelling or accessory apartment unit shall be owner-occupied for the duration of the accessory apartment. U-24. **How will this be enforced?**

504 SPECIAL EXCEPTIONS

Section 504.1 Otherwise non-conforming Institutional, Religious program uses would be permitted. This might create a marked increase in these uses.

ANC 4A asks that further discussion and thought be given to the sections that would permit, by right, "Emergency Shelters" for 5 to 25 individuals, plus the resident supervisors or staff and their families. Section 504.1(d).

ANC 4A disagrees with the provisions that would allow the Board of Zoning Adjustment to modify or waive the protections currently in place. See 253.10 and 254.14 on U-25 and U-28.

SUBTITLE U – USE PERMISSIONS (AKA Home Occupations)

This subtitle contains the use permissions **for matter- of- right and special exceptions** in the residential and mixed-use zones. A home occupation is considered in accessory use.

As ANC 4A noted above, ANC 4A is particularly concerned with:

- Sections 251, Home Occupation Uses;
- Section 253 Accessory Apartments; and
- Section 254 and 202.1 Corner Stores

254 CORNER STORES

254.1 A corner store shall only be permitted in the R-3 zone. There are pockets of R-3 within ANC 4A that are not currently zoned commercial. ANC 4A would object to the conversion of the property for commercial use.

Chapter 3 – SUBDIVISIONS

DC is, for many, a family-oriented, multi-generational city. The larger homes in ANC 4A are more conducive to aging-in-place. In other words, ANC 4A needs to have the option to have care-givers and staff, as well as families. This could diminish our ability to meet our future needs. Within 4A, there are also large lots.

300.1 The chapter Subdivision provides "general rules for the creation of new record lots." C-12. Where would these lots come from? Isn't all land identified in the maps that accompany the Comprehensive Plan? Are ANC 4A talking about converting public lands, like streets, alleys or parks? Public School lands? Further information is needed before this is put in place.

302.2 This section says that "each shall be erected on a separate lot of record in all R, RF and RA zones." C-12. This could led to very small structures. And, it would preclude building on double lots – which is the norm in parts of ANC 4A.

302.3 This sections says "no building or structure in any zone may be erected to cover more than one record lot." C-13

This chapter could limit our ability to make the best choices in the future. For these reasons, ANC 4A recommends that **Chapter 3 be deleted**.

CHAPTER 6 MATTER OF RIGHT USES ON ALLEY LOTS (R, RF and RA)

600.1 The proposal would permit as a matter-of-right on an alley lot uses which are not currently permitted. ANC 4A notes that alleys and streets are public rights-of-way. This proposal would permit (a) agricultural uses, (d)(2) two car-sharing spaces, (f) "chemical manufacturing, storage or distribution, (i) Firearms retail sales; (p) sexually oriented business establishments in alleys. U-77. W-7

Delete Chapter 6 which pertains to alleys.

New zones are created. Yet, the plan also appears to carve special protections for certain neighborhoods, like Forest Hills. Should those same protections be extended to ANC 4A?

Section 110 creates the Georgia Avenue Neighborhood Mixed Use Zone – W-5

Section 116 establishes the Sixteenth Street Height Zones. **Have either of these received ANC approval or presented to the community for consideration?**

Subtitle C, Section 100.1 provides the general regulations applicable to all zones unless otherwise stated in this title. ANC 4A suggests that you add, "while preserving all applicable low density requirements for residential units in ANC 4A0. C-5.

ANC 4A also recommend that you strike the provisions that address historic landmarks, especially in places of worship in ANC 4A.

Section 205.5 states that a structure devoted in whole or part to a non-conforming use that is an historic landmark . . . may be restored or reconstructed and the non-conforming use shall be allowed, regardless of the extent of destruction of the structure, subject to the Historic Landmark and Historic District Protection Act of 1978. C-11. **What does this mean? What would be the impact on historic properties?**

CHAPTER 7 VEHICLE PARKING

701.11 This section would permit dedicated car-share parking spaces to be counted toward fulfillment of a minimum parking requirement. C-36. ANC 4A disagrees with this provision. ANC 4A recommends preserving existing parking requirements.

702 EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS

702.1 proposes to reduce by 50% the minimum parking requirements. This seems to apply for any site located with a quarter mile of one of the Priority Corridor Network Metrobus Routes.

Those routes include Georgia Avenue, 16th Street and 14th Street (C-37). ANC 4A notes that any diminishment of required off-street parking along the 16th Street, 14th or Georgia would likely cause more parking within the neighborhoods.

This needs to be heard at a public meeting that addresses this important issue. No approval should be granted until such time as that happens.

The regulations at 708.4, would permit 2 car-sharing spaces on the property. Ironically, home-owners are not entitled to two spaces. According to this, each homeowner is allotted one space per principal dwelling unit.

710 PARKING LOCATION RESTRICTIONS

ANC 4A is concerned about any proposed changes to the parking minimums.

ANC 4A is unclear of the impact of these proposed regulation on the rules that govern condominiums in DC. **Further information is requested.**

SUBTITLE Y – BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURES

This section addresses the application requirements, party status, and ANC reports, hearing and meeting procedures. ANC 4A want to ensure that the ANCs and the general public have the opportunity to comment on any applications for waivers or special exceptions.

ANC 4A do not believe that the ZRR provided adequate notice to the impacted communities and a fair opportunity for the ANCs to provide comments on the latest proposal.

For all of these reasons, ANC 4A asks that you give great weight to ANC 4A's Resolution which incorporates these comments and provide an opportunity to have our questions answered before these regulations are put in place.